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05-07-02

DAC
#3

May 2, 2002

The Commissioner for Patents
Customer Service Center
Initial Patent Examination Division
Washington, D.C. 20231

RECEIVED
MAY 09 2002
OFFICE OF PETITIONS

Re: U.S. Patent Application Serial No. 10/045,544
Entitled: *Body Fluid Cartridge Exchange Platform Device*
Filed: October 26, 2001 - Inventors: Steve A. Herweck and Paul Martakos
Attorney Docket No. ATA-333

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Petition Under 37 CFR §1.182 Requesting Acceptance of Items in Response to a Notice of Omitted Items in a Non-Provisional Application;
2. Notice of Omitted Item(s) in a Non-Provisional Application;
3. Copy of stamped postcard receipt;
4. Copy of complete specification as filed;
5. Check for \$130.00 petition fee; and
6. Prepaid Acknowledgment Postcard.

Please charge any additional necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as Express Mail in an envelope addressed to: The Commissioner for Patents, Customer Service Center, Initial Patent Examination Division, Washington, DC 20231 on:

May 2, 2002
Date

Larry Taylor

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Sean D. Detweiler, Esq.
Reg. No. 42,482
Attorney for Applicants



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/045,544	10/26/2001	Steve A. Herweck	ATA-333

000959
LAHIVE & COCKFIELD
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BOSTON, MA 02109

CONFIRMATION NO. 2463

FORMALITIES LETTER



OC000000007770721

Date Mailed: 04/03/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 16, 27, 30 and 49 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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OFFICE OF PETITIONS

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE